



Town of Arlington, Massachusetts
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Minutes 02/04/2013

TOWN OF ARLINGTON
LEAF BLOWER COMMITTEE
Meeting Minutes
Monday, February 4, 2013
7:00 p.m.

Present: Mrs. Mahon, Chair, Mr. Tibbets, Vice Chair, Mr. Adleman, Ms. Band, Ms. Butts, Mr. Downing, Mr. Grandon, Mr. Horan, Mr. Kerble, Mr. Ruderman, Mr. Greeley and Mrs. Sullivan.

Absent: Ms. Snyder, Secretary, Mr. Cusce, and Ms. Romano.

Mrs. Mahon opened the meeting at 7:00 p.m.

Mrs. Mahon recapped the Public Meeting had roughly 47 attendees and 24 speakers. The committee agreed it was a good meeting and no other public meeting is necessary especially including the email comments.

Mrs. Mahon stated that a report/presentation is due to the Selectmen no later than March 8, 2013.

1. Approval: Draft Minutes 1/14/13

Mr. Tibbets moved approval.

SO VOTED (10-0)

2. Discussion: Document(s) of bylaw amendments for recommendation to the Board of Selectmen

After some discussion on how to approach the recommendation to the Selectmen, it was unanimously agreed upon to go through the Proposed Bylaw Amendment - 1/12/12 Compromise Draft to discuss and vote line by line. This recommendation document must be presented to the Selectmen at either the 2/11/13 or the 2/25/13 BoS Meeting and the STM on 4/24/13. It was agreed also to meet the night of the BoS presentation to vote the recommendation document and to also meet prior to the STM presentation for a prep meeting.

The following are the discussed and voted points of the proposed bylaw amendment:

D. Use of Gas-Powered Leaf Blowers

1. For purposes of this section only, the term, "leaf blowers" for commercial and Town employees shall mean "gas-powered leaf blowers."

Mr. Adleman made a motion to approve the change of "gas powered" to gasoline powered.

SO VOTED (10-0)

D. Use of Gasoline-Powered Leaf Blowers

1. For purposes of this section only, the term, "leaf blowers" for commercial and Town employees shall mean "gasoline-powered leaf blowers."

Mr. Downing moved approval of this section with amendments.

SO VOTED (10-0)

2. The use of leaf blowers is prohibited between June 15th and September 15th except in accordance with the following restrictions, which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like.

Mr. Ruderman moved to approve removing "...between June 15th and September 15th" from section #2.

SO VOTED (3-7)

Mrs. Mahon, Mr. Tibbets, Ms. Butts, Mr. Downing, Mr. Grandon, Mr. Horan and Mr. Kerble voted in the negative.

Mr. Tibbets moved approval of section #2 as above.

SO VOTED (7-3)

Mr. Adleman, Ms. Band and Mr. Ruderman voted in the negative.

Mr. Adleman moved approval to remove the words "...and the like" in section #2.

SO VOTED (2-7-1)

Mrs. Mahon, Mr. Tibbetts, Ms. Butts, Mr. Downing, Mr. Grandon, Mr. Horan and Mr. Kerble voted in the negative.

Ms. Band abstained.

(a) The use of leaf blowers is prohibited on (i) Sundays and legal holidays;

(ii) Mondays through Fridays except between the hours of 7:30 a.m. and

5:30p. m.; and (iii) Saturdays except between the hours of 8: 00 a. m. and 4:00p.m.

Mr. Tibbetts moved approval of section #2(a) as above.

SO VOTED (7-3)

Mr. Adleman, Ms. Band and Mr. Ruderman voted in the negative.

(b) No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

Mr. Ruderman moved approval to add "No more than two leaf blowers at one time may be used..." in section #2(b).

SO VOTED (2-8)

Mrs. Mahon, Mr. Tibbetts, Mr. Adleman, Ms. Butts, Mr. Downing, Mr. Grandon, Mr. Horan and Mr. Kerble voted in the negative.

Mr. Tibbetts moved approval of section #2(b) as above.

SO VOTED (8-2)

Ms. Band and Mr. Ruderman voted in the negative.

(c) Leaf blowers may be used for no more than 30 minutes at a total time.

There was much discussion on section #2(c) and several motions made for revisions.

Mr. Downing moved approval to add "...may be used for 30 minutes with shut down time of 15 minutes in between operation." in section #2(c).

SO VOTED (6-4)

Mr. Adleman, Ms. Band, Mr. Grandon and Mr. Ruderman voted in the negative

Mr. Grandon moved approval to add "...no more than 30 minutes duration of allowed use per property" in section #2(c).

SO VOTED (4-5-1)

Mr. Tibbetts, Ms. Butts, Mr. Downing, Mr. Horan and Mr. Kerble voted in the negative.

Mrs. Mahon abstained.

Mr. Adleman moved approval to add "...no more than 30 minutes" in section #2(c).

SO VOTED (3-6-1)

Mr. Tibbetts, Ms. Butts, Mr. Downing, Mr. Grandon, Mr. Horan and Mr. Kerble voted in the negative.

Mrs. Mahon abstained.

The following is the majority voted approved section #2(c):

(c) Leaf blowers may be used for 30 minutes with shut down time of 15 minutes in between operation.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

Mr. Ruderman moved approval of section #3.

SO VOTED (9-1)

Ms. Band voted in the negative.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

Mr. Downing moved approval of section #4.

SO VOTED (8-0-2)

Mr. Adleman and Ms. Band abstained.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing yard clean-up and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at fifty (50) feet at full throttle."

Mr. Adleman moved approval to remove "...at fifty (50) feet..." it is an error.

SO VOTED (9-1)

Ms. Band voted in the negative.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing yard clean-up and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at full throttle."

Mr. Downing moved approval of this section with amendments.

SO VOTED (9-1)

Ms. Band voted in the negative.

6. Residential usage should refer to the Bylaws, Title V - Regulations Upon The Use Of Private Property, Article 12: Noise Abatement, Section 3. Daytime-Only Activities".

Mr. Tibbetts moved approval of section #6.

SO VOTED (9-1)

Ms. Band voted in the negative.

The committee agreed to meet prior to the Selectmen presentation on either 2/11 or 2/25, Mrs. Sullivan will email and coordinate the meeting date and time. Agenda items for this meeting will include:

-approval of the 2/4/13 minutes

-BoS meeting discussion

-report to STM and what info to pass out etc.

-discussion/approval to put Mr. Adleman's chart on the web

If anyone has anything to add as an agenda item then contact Mrs. Sullivan.

Ms. Rice, Town Counsel, will be asked to be present at this meeting.

Also agreed was that the committee would meet prior to the Special Town Meeting presentation to prep for the presentation on either 4/8, 4/9 or 4/15, Mrs. Sullivan will email and coordinate the meeting date and time. Ms. Rice, Town Counsel, and Ms. Connolly, Board of Health Director, will be asked to be present at this meeting.

Mr. Tibbetts moved approval to post the 1/14/13 Public Meeting Minutes and the Comments Chart on the web.

SO VOTED (10-0)

Ms. Butts made a motion to end the meeting at 8:30 PM.

SO VOTED (10-0)

Meeting adjourned at 8:30 p.m.

A true record: Attest

Mary Ann Sullivan
Selectmen's Office

2/4/13

Agenda Item Documents Used

1. Draft minutes 1/14/13
2. Draft Bylaw Amendment Changes
3. Ms. Rice 12/12/12 email re: Leaf Blower Reminder
4. Public Hearing & Email Comments Chart
5. Leaf Blower Use Bylaw Activity In Arlington Summary
6. Mass. Dept. of Public Health Lead Poisoning Prevention Program Chart
7. Frances A. Lewis Comment to Selectmen